

REMARKS

Reconsideration and removal of the grounds for rejection are respectfully requested.

Claim 2 was in the application, claim 2 has been amended to correct placement of a reference number for clarity, and entry of the amendment is respectfully requested.

Claim 2 was rejected under 35 U.S.C. §112, first paragraph for failing to comply with the written description requirements, and also for lack on enablement. The examiner believed the recitation in lines 5 and 6 of claim 2 describing the connection between the ring 9, legs 10b and 10 c were not clearly shown or described. The examiner also did not understand how the thermostat 16 was supported and believed the vertical blades connected between the plate 13 and the sensor 16 as shown in Fig. 4b to be new matter.

To aide in the understanding of the elements of the invention, colored illustrations have been prepared and are enclosed. Beginning with Fig. 2, the plate 13 is shown in red, and the examiner can see the ends of the pair of vertical blades 23 (green), at the 90 and 270 degree positions. At the 0 and 180 degree positions are located the pair of legs 10b and 10c (yellow). Note that the plate 13 has an opening where the upright 10a can pass through should the plate move downwardly. Also note that line B-B passes through the legs 10b and 10c, Fig. 5 illustrating the view along line B-B.

Referring to Fig. 4b, this is a view taken along line A-A, that is, along the 90-270 degree plane which allows the blade to be visible. Along this line the legs 10b and 10c would be out of view, one leg being behind the upright 10a, the other in the cut-out portion. The vertical blade (green) is engaged to both the upper portion of the working element 16 (brown), and the plate 13 (red), the upper portion engaging as well the disk 17. The ring 9 is shown in blue for improved

viewing, though being a part of the housing, could be colored in yellow, as will be described below.

Referring to Fig. 5, taken along line B-B, the ring 9 (blue) is indeed partially shown, though mostly blocked by the legs 10b and 10c. Note from Fig. 4A that the ring 9 is within the bounds of the vertical blade, and just above the working element 16, and in this location, necessarily terminates in the legs 10b and 10c.

This is supported by the specification which states: "...two longitudinal conical projections (8) are molded along the length of the two diametrically opposed sides and between them, near the opening, they form the shape of a ring (9), from which protrudes an inverted "Y" shaped extension (10)...". (Emphasis added) In other words, the ring has portions which merge with the legs 10b and 10c.

Consequently, the pair of vertical blades is shown in the drawings as filed, connected to the working element 16, and the plate 13. The ring 9 is also described and shown.

As to the operation, this would be well understood by one skilled in the art, as the operation is conventional. It is the construction that is distinct.

For example, U.S. Patent no. 4,883,225 shows a similar device, with many more parts, but which operates in a similar fashion. The operation would proceed similarly in that both devices have a pair of plates, 17 and 20 here, 64 and 32 in the '225 Patent, respectively.

The working element is disposed in the cooling fluid, and so responsive to temperature changes. The working element is attached in accordance with the invention to the plate 13 by the blades 23, the pressure spring 25 biasing the plate 13 upwardly to keep the working element 16 and the attached disk 17, in the closed position, when an engine is cold. In this position, the sheet 20 is in an upper position, so that a bypass passage is open and the fluid can recirculate

through the engine. When the engine reaches its working temperature, the working element overcomes the spring bias, moving downwardly the plate 13 and projection 14 which slides over the leg 10a, displacing the disk 17 to open the chamber 5, while at the same time moving the sheet 20 downwardly to close the bypass passage, so that the hot fluid can travel instead, for example, to a radiator.

As discussed above, support is found within the drawings as originally filed for the claimed invention. Fig. 4b has only been added to make what was shown easier to view and understand, and no new matter is involved.

It is noted that the ring was not clearly shown in Fig. 4b, and a corrected Fig. 4b is provided which illustrates the ring 9 for consideration by the examiner.

Based on the above amendments and remarks, favorable consideration and allowance of the application is respectfully requested. However should the examiner believe that direct contact with the applicant's attorney would advance the prosecution of the application, the examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,



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